



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,287	01/23/2004	Michael D. Ellis	81788-4300	9180
28765	7590	06/02/2006	EXAMINER	
WINSTON & STRAWN LLP 1700 K STREET, N.W. WASHINGTON, DC 20006			KARIKARI, KWASI	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,287

Applicant(s)

ELLIS ET AL.

Examiner

Kwasi Karikari

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-6 and 10-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3-6 and 10-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/15/2004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 2617

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617
2. Applicant's election without traverse of Group III covering claim 3 in the reply filed on 04/28/2006 is acknowledged. In addition applicant has amended claims 4-6 which depend on claim 3. New claims 10-13 are added and claims 1-2 and 7-9 are have been cancelled without prejudice.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 06/15/2004 is in compliance with the provision of 37 CFR 1.97, has been considered by the Examiner, and made of record in the application file.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 4 recite the limitations "the component" on page 2. There are insufficient antecedent basis for these limitations in the claim. For examination purposes the examiner is considering the limitations " an individual component ".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 and 10-13 are rejected under U.S.C. 103(a) as being unpatentable over Singer et al. (U.S. 5,485,163), (hereinafter Singer) in view of Willard et al., (U.S. 4,803,487), (hereinafter Willard).

Regarding **claims 3 and 10**, Singer discloses jewelry individual network component comprising:

a transceiver (see col. 2, line 35-40) configured to send data to and receive data from other individual network components (service node) in a modular personal network (communication system), (see col. 2, line 26-56)

circuitry (personal communication service nodes, see col. 2, line 26-56) to provide a specific function for modular personal network,

a mount (earring) configured to allow a user wear the component (see earring, col. 2, line 26-56; whereby the "mount" is an inherent feature of the earring), and an integrated item of jewelry selected from an earring (see earring, col. 2, line 26-56); fails to disclose that the transceiver is wireless.

Willard teaches a wireless transceiver 16 communicates with presentation unit 22 (see col. 3, lines 25-64).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Willard into the system of Singer for the benefit of achieving a system that include communication receiver which utilizes a separate presentation unit (see col. 2, lines 14-26).

Regarding **claims 4 and 11**, as recited in claims 3 and 10, Singer fails to disclose the jewelry-individual network component, wherein the component is an earring speaker and wireless receiver for receiving audio information, and the circuitry comprises a speaker for playing the audio information.

Singer teaches jewelry-individual network component, wherein the component is an earring speaker (see first receiver means and second receiver means interconnected via communication channel 20, see Figs. 1 and 2 and col. 3, lines 25-64 and col. 4, lines 24-35) and a wireless receiver for receiving audio information, and the circuitry comprises a speaker (annunciation means see col. 4, lines 24-35), for playing the audio information (audibly voice message, see col. 3, lines 51-64).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Willard into the system of Singer for the benefit of achieving a system that include communication receiver which utilizes a separate presentation unit (see col. 2, lines 14-26).

Art Unit: 2617

Regarding **claims 5 and 12**, as cited in claims 3 and 10, Singer fails to disclose the jewelry-individual network component, wherein circuitry comprises demodulator for processing the received signals and a demodulator for converting the processed signals; and the wireless transceiver comprises wireless transmitter for sending the converted signal to another device worn by the user.

Singer teaches, wherein circuitry comprises demodulator (see col. 3, lines 3-12) for processing the received signals and modulator (see col. 4, lines 36-60) for converting the processed signals; and the wireless transceiver comprises wireless transmitter for sending the converted signal to another device worn by the user (see col. 3, lines 20-64).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Willard into the system of Singer for the benefit of achieving a system that include communication receiver which utilizes a separate presentation unit (see col. 2, lines 14-26).

Regarding **claims 6 and 13**, as recited in claims 3 and 10, Singer fails to disclose that the component is a ring individual network component wherein the mount is of a ring configured to be worn around a user's finger, the wireless transceiver is configured to communicate with a second individual network component worn by the user and a circuitry is selected from the group consisting a display wherein a function of circuitry is provided to the second individual network component.

Willard teaches wherein the component is a ring individual network component wherein: the mount is of a ring configured to be worn around a user's finger (presentation 22 bracelet pendant or the like, see col. 3, lines 52-64 and Fig. 1; whereby the presentation 22 functions with pager 16), the wireless transceiver (16) is configured to communicate with a second individual network component (22) worn by the user (see Fig. 1) and a circuitry is selected from the group consisting a display wherein a function of circuitry is provided to the second individual network component (communication be pager 16 and presentation 22, see Fig. 1).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Willard into the system of Singer for the benefit of achieving a system that include communication receiver which utilizes a separate presentation unit (see col. 2, lines 14-26).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kese et al. (U.S. 5,884,198) teaches a body conformal portable radio and method of constructing the same.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kwasi Karikari
Patent Examiner.



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER